

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

NAOMI K. GOODMAN,

Debtor.

kp7299/MK
February 22, 2023
9:00 AM

Chapter 13
Case No. 22-22703-CGM-13

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the within application, the Chapter 13 Trustee will move this court before the Honorable Cecelia G. Morris, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, VIA ZOOM on the 22nd day of February, 2023 at 9:00 AM, or as soon thereafter as counsel can be heard, for an Order pursuant to 11 U.S.C. §1307(c) for cause, dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

PLEASE TAKE FURTHER NOTICE, that any hearing on the within application will be held by telephone or Zoom video conference only. No in-person hearing will be held in the Courthouse. Participants are required to register their appearance at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl> 48 hours before the scheduled hearing.

Responsive papers shall be filed with the Bankruptcy Court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: White Plains, New York
January 23, 2023

/s/ Krista M. Preuss

KRISTA M. PREUSS, CHAPTER 13 TRUSTEE
399 KNOLLWOOD ROAD, STE 102
WHITE PLAINS, NY 10603
(914)328-6333

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

NAOMI K. GOODMAN,

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Chapter 13
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APPLICATION

TO THE HONORABLE CECELIA G. MORRIS, U.S. BANKRUPTCY JUDGE:

KRISTA M. PREUSS, ESQ., Standing Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on September 17, 2022 and, thereafter, KRISTA M. PREUSS was duly appointed and qualified as Trustee.
2. The Debtor has failed to obtain insurance coverage for the home in disrepair located at 136 Madison Road, Scarsdale, NY according to letter filed by Debtor's counsel on December 13, 2022 (Dkt. No. 21) as discussed at the confirmation hearing held on December 7, 2022. The Trustee remains concerned about the potential safety and liability consequences present as a result. Additionally, the Trustee shares the concerns highlighted by counsel for the Village of Scarsdale in his letter filed on December 14, 2022 (Dkt. No. 22) and the significant amount of time which has passed with these issues unresolved. These delays are highly prejudicial to the Village of Scarsdale, and the lack of meaningful progress in this case is prejudicial to the rights of all the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).
3. The Debtor has failed to:
 - a. file a Credit Counseling Certificate as required by 11 U.S.C. §521(b)(1) even though the Court approved extensions to October 17, 2022 and December 21, 2022. Debtor has a motion before the Court to be heard on February 22, 2023 seeking further extension;
 - b. appear and be examined at the Section 341 Meeting of Creditors as required by 11 U.S.C. §343;
 - c. commence making Chapter 13 plan payments to the Trustee, as required by 11 U.S.C. §1326(a)(1) and is in arrears, to date, in the amount of \$480,100.00 (inclusive of the irregular lump sum payment provided for in the Plan);
 - d. file with the Court evidence that the Debtor has completed an instructional course concerning personal financial management as required by 11 U.S.C. §1328(g)(1);
 - e. file with the Court a certification that all amounts payable under a domestic support obligation have been paid as required by 11 U.S.C. §1328(a); and
 - f. provide the Trustee with copies of filed 2021 federal and state tax returns and refunds, if any.

4. The deficiencies as stated above impede the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).
5. The foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: White Plains, New York
January 23, 2023

/s/ Krista M. Preuss
Krista M. Preuss, Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Case No: 22-22703-CGM-13

IN RE:

NAOMI K. GOODMAN,

**CERTIFICATE OF SERVICE
BY MAIL**

Debtor.

This is to certify that I, Nancy Alexander, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

NAOMI K. GOODMAN
46 WALWORTH AVENUE
PELHAM, NY 10803

PENACHIO MALARA, LLP
245 MAIN STREET
STE 450
WHITE PLAINS, NY 10601

ANDREW P. TUREAUD, ESQ.
KEANE & BEANE, P.C.
445 HAMILTON AVENUE
15TH FLOOR
WHITE PLAINS, NY 10601

This January 23, 2023

/s/Nancy Alexander
Nancy Alexander, Paralegal
Office of the Standing Chapter 13 Trustee
Krista M. Preuss, Esq.
399 Knollwood Road, Suite 102
White Plains, New York 10603
(914) 328-6333

CASE NO: 22-22703-CGM-13
Hon. CECELIA G. MORRIS

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

NAOMI K. GOODMAN,

Debtor.

**NOTICE OF MOTION, APPLICATION
and
CERTIFICATE OF SERVICE**

KRISTA M. PREUSS
STANDING CHAPTER 13 TRUSTEE
399 KNOLLWOOD ROAD, SUITE 102
WHITE PLAINS, NEW YORK 10603
(914) 328-6333
